

REMARKS

Disposition of Claims

Claims 1-86 are pending as of the present Office Action, which states that:

Claims 3-15 and 17-86 are withdrawn from consideration; and

Claims 1, 2, and 16 are rejected under 35 U.S.C. § 102(a) over Japanese Patent Publication No. 11-249152 (A) to Shida et al ("Shida").

Amendments to Claims

Claim 83 has been amended to correct the grammar thereof. These changes are not necessitated by the prior art, are unrelated to the patentability of the invention over the prior art, and do not introduce any new matter. Claims 84 and 85 have been amended to correct the form. These changes are not necessitated by the prior art, are unrelated to the patentability of the invention over the prior art, and do not introduce any new matter.

Clarification of Preliminary Amendment Claim Fee Statement

As noted in the present Office Action, in the Preliminary Amendment filed October 19, 2002, the statement appearing on page 18, lines 9-11 contained a typographical error, and should correctly read as follows:

This Amendment increases the total number of claims by 4 from 82 to 86, but does not increase the number of independent claims and does not present any multiple dependency claims.

Agent for Applicants apologizes for any inconvenience this error may have caused the Patent and Trademark Office.

35 U.S.C. § 102(a) Rejection

The rejection of claims 1, 2, and 16 under 35 U.S.C. § 102(a) over Shida is respectfully traversed based on the following.

Claim 1 recites, *inter alia*:

opposing a first panel element and a second panel element, **each having at least one display layer**, with positioning the first and second panel elements relatively to each other¹

US Thus, claim 1 requires that each of the panel elements have a display layer.

L10 Shida is directed towards a method of manufacturing a single-layer display element. As such, Shida is not concerned with adhering opposing layers that each have a display layer. Instead, Shida discloses a method wherein a TFT layer and a CF layer are opposed and sealed. The TFT layer does **not** include a display layer, but is simply a layer of transistor elements on a substrate. Thus, the TFT layer disclosed in Shida does not meet the requirements of either of the first and second panels recited in claim 1.

Therefore, Shida fails to disclose the step of “opposing a first panel element and a second panel element, each having at least one display layer” as recited by claim 1.

L15 Consequently, since Shida fails to disclose all of the limitations of claim 1, Shida cannot anticipate claim 1, or claims 2 and 16 which depend from claim 1.

Accordingly, it is respectfully requested that the rejection of claims 1, 2 and 16 under 35 U.S.C. § 102(a) be reconsidered and withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

This Response does not increase the number of independent claims, does not increase the total number of claims, and does not present any multiple dependency claims. Accordingly, no fee based on the number or type of claims is currently due. However, if a

¹ Emphasis added.

Serial No. 09/821,174

fee, other than the issue fee, is due, please charge this fee to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260.

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document, other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

By: _____



Douglas A. Sorensen
Registration No. 31,570
Agent for Applicants

DAS/llb:bar:jkk
SIDLEY AUSTIN BROWN & WOOD LLP
717 N. Harwood, Suite 3400
Dallas, Texas 75201
Direct: (214) 981-3482
Main: (214) 981-3300
Facsimile: (214) 981-3400
March 18, 2003

DA1 256304v2